United
Nations

EP

Governing Council of the United Nations Environment Programme

Distr.
GENERAL

UNEP/GC.17/8
19 January 1993

ORIGINAL: ENGLISH

Seventeenth session
Nairobi, 10-21 May 1993

ITEM 8:* THE ENVIRONMENT FUND, OTHER FINANCIAL MATTERS AND ADMINISTRATION

PERIODICITY AND DURATION OF SESSIONS OF THE GOVERNING COUNCIL

Report of the Executive Director

Summary

In this report, being submitted in response to Governing Council decision 16/4, the Executive Director reviews the background of the periodicity and duration of Council sessions. In the light of experience gained, and in view of the Council's important role in submitting or making available reports to the Commission on Sustainable Development established by the Economic and Social Council, and through it to the General Assembly, the Executive Director is recommending that the Council revert to the practice of having annual sessions, which would be of a maximum duration of five days and held at the ministerial or equivalent level.

To deal with the budget and programming review and planning aspects of the United Nations Environment Programme, the Executive Director is proposing two alternative options for the consideration of the Council. The first would be the establishment of two standing committees of the Council, one on programme matters, the other on budget and administration, which would meet simultaneously, in odd-numbered years, for one week immediately preceding the session of the Council. The second alternative would be to establish a single standing committee on programme, budgetary and administrative matters which would meet in odd-numbered years for eight working days preceding the session of the Council.

A return to annual sessions would require a change in the Council's rules of procedure, and the proposed change is contained in paragraph 11 of the report and reflected in the suggested action by the Governing Council.

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* Refers to the number of the item on the Provisional Agenda (UNEP/GC.17/1).

Suggested action by the Governing Council

The Council may wish to adopt a decision along the following lines:

"*The Governing Council,*

"*Recalling* General Assembly resolution 42/185 of 11 December 1987 on a biennial cycle of sessions of the Governing Council of the United Nations Environment Programme,

"*Also recalling* General Assembly resolution 47/190 of 22 December 1992 on the report of the United Nations Conference on Environment and Development,

"*Noting in particular* General Assembly resolution 47/191 of 22 December 1992 on institutional arrangements to follow up the United Nations Conference on Environment and Development,

"*Conscious* of the importance of the role and responsibilities of the Council in following up the United Nations Conference on Environment and Development,

"1. *Decides* to recommend the draft resolution annexed to the present decision to the General Assembly for consideration and adoption;

"2. *Also decides*, subject to the approval by the General Assembly of the Council's return to annual regular sessions, to amend with effect from 1 January 1995, rule 1 of its rules of procedure to read: "The Governing Council shall normally hold one regular session each year."

"3. *Further decides* to establish, in 1996,

Alternative A

two standing committees of the Governing Council, a programme committee and a budget and administration committee, which shall meet simultaneously for five working days immediately preceding the regular sessions of the Council in odd-numbered years.

Alternative B

one standing committee of the Governing Council to deal with programme, budget and administrative matters which shall meet for eight working days immediately preceding the regular sessions of the Council in odd-numbered years.

"ANNEX

"*Draft resolution for the consideration of the General Assembly*

"*Annual cycle of sessions of the Governing Council of the United Nations Environment Programme*

"*The General Assembly,*

"*Recalling* its resolution 2997 (XXVII) of 15 December 1972, by which it established the Governing Council of the United Nations Environment Programme,

"*Also recalling* its resolution 42/185 of 11 December 1987 on a biennial cycle of sessions of the Governing Council of the United Nations Environment Programme,

"*Bearing in mind* its resolution 47/190 of 22 December 1992 on the report of the United Nations Conference on Environment and Development,

"*Having particular regard* to its resolution 47/191 of 22 December 1992 on institutional arrangements to follow up the United Nations Conference on Environment and Development,

"*Noting* the recommendation of the Governing Council of the United Nations Environment Programme as contained in its decision 17/.... of .... May 1993,

"*1. Decides* that, beginning in 1996, the Governing Council shall revert to regular annual sessions but with a maximum duration of five working days;

"2. *Endorses* the decision of the Governing Council to establish in 1996 [two standing committees] [one standing committee] to meet for [five] [eight] working days immediately preceding the regular sessions of the Council in odd-numbered years;

"3. *Decides* that the report requested of the Governing Council in section I, paragraph 3, of its resolution 2997 (XXVII) shall be submitted annually beginning in 1995."

STRENGTHENING OF THE GOVERNING COUNCIL OF THE UNITED NATIONS ENVIRONMENT PROGRAMME

1. By its decision 16/4 of 31 May 1991, the Governing Council requested the Executive Director to bring his proposals on the organization of the plenary meetings of the Governing Council to the Council at its seventeenth session, taking into account the recommendations of the United Nations Conference on Environment and Development (UNCED). The present report is submitted in response to that request.

2. When UNEP was established in 1972, the General Assembly decided, in its resolution 2997 (XXVII), that the Governing Council should meet and report annually to the General Assembly through the Economic and Social Council. In the mid-19 80s, however, faced with, *inter alia*, a financial crisis in the regular budget of the United Nations, the Council at its fourteenth regular session, in 1987, decided to recommend to the General Assembly that, henceforth, Council sessions be held biennially, in odd-numbered years, except for a special session once every six years, beginning in 1988, to consider and approve the United Nations system-wide medium-term environment programme and to consider the relevant chapter of the United Nations medium-term plan.[1] The General Assembly subsequently approved the Council's recommendation.[2]

3. In 1988, as foreseen, the Council held a one-week special session for the purposes set out in its decision 14/4 and General Assembly resolution 42/185. In 1989, there followed the fifteenth regular session by which time it was evident that the General Assembly would be convening in 1992 a United Nations conference on environment and development. In view of the preparations necessary for the conference, the Council decided to hold a second special three-day session in 1990 to reflect on priority evolving environmental issues. The sixteenth regular session of the Council was held in 1991 and, in February 1992, the Council held a third special three-day session to review its inputs into UNCED four months before the convening of the Conference at Rio. The Council's seventeenth regular session is being held in 1993, and it will meet again in 1994 in a special five-day session in accordance with General Assembly resolution 42/185. The following year, 1995, the Council will hold its eighteenth regular session. In point of fact then, from 1987 to 1995, the Council will have met annually, its decision 14/4 to meet biennially notwithstanding.

4. In Chapter 38 of Agenda 21, adopted by UNCED at Rio on 14 June 1992 and subsequently endorsed by the General Assembly,[3] it is explicitly stated that there is a need for an enhanced and strengthened role of UNEP and its Governing Council in the follow-up to the Conference.[4] The General Assembly, in its resolution 47/191 of December 1992 on institutional arrangements to follow up the United Nations Conference on Environment and Development, requested the Economic and Social Council to set up, in 1993, a high-level Commission on Sustainable Development with the recommendation that it meet annually for a period of two to three weeks. Further, the Assembly emphasized, in paragraph 20 of that resolution, "that the ongoing restructuring and revitalization of the United Nations in the economic, social and related fields should take into account the organizational modalities for the Commission on Sustainable Development with a view to optimizing the work of the Commission and other intergovernmental United Nations bodies dealing with matters related to environment and development". If the Commission is to meet annually, it would surely expect an annual input from the United Nations intergovernmental body designated not only "to promote international

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cooperation in the field of the environment" but also "to provide general policy guidance for the direction and coordination of environmental programmes within the United Nations system",[5] namely, the UNEP Governing Council.

5. In view of the foregoing, it may be time for the Council to reconsider the periodicity of its sessions and the closely related issue of their duration. If the Council is to be strengthened, representation at its sessions should be at the ministerial or equivalent level. But ministers can hardly be expected to stay for a full two-week Council session. The answer might be found along the lines of the modification of the organization of the Council's work, introduced at its sixteenth session, where the first week was devoted to work in two sessional committees, one dealing with programme matters and the other with the Environment Fund and administrative and other financial matters. The second week, the Council met in plenary, at the ministerial or equivalent level, to receive and act upon the reports of the committees and to discuss major policy issues.

6. In the opinion of the Executive Director, this organization of the Council's work was beneficial to all. The technical "housekeeping" work was done by the committees, prior to the arrival of ministers for the plenary meetings. Moreover, as no more than two meetings were held simultaneously, smaller delegations were able to participate fully in the proceedings.

7. The Executive Director therefore proposes that the Council consider reverting after 1995 to the practice of having annual regular sessions but with a maximum duration of five working days and held at the ministerial or equivalent level. The additional financial implications for the United Nations regular budget would be approximately $1.23 million (at 1994 prices) per biennium to cover the costs of the one-week sessions in even-numbered years.

8. In addition, the Council might wish to consider establishing two standing committees, one on programme matters, the other on budget and administration. These two committees would meet simultaneously for one week immediately preceding the sessions of the Governing Council in odd-numbered years. The reports and recommendations of the two committees would then be submitted to the Council for its consideration and approval.

9. Alternatively, the Council might wish to consider the establishment of a single standing committee on programme, budgetary and administrative matters which would meet for a maximum of eight working days immediately preceding the sessions of the Council in the odd-numbered years. Several Permanent Representatives to UNEP have advocated the idea of a single committee to deal simultaneously with financial and programme affairs, and the Executive Director is pleased to put this suggestion forward for consideration by the Council.

10. But whether the Council opts for one or two standing committees, the fact remains that the committee(s) would relieve the Council of its housekeeping and accounting chores, thus allowing it not only to maintain its overall guidance and authority, but also to devote itself, with high-level participation, to major policy issues. There would be no additional financial implications if either one or two standing committees were established, as the cost of their meetings would not differ substantially from the present cost of Council sessions, which includes provision for two sessional committees, meeting simultaneously for one week.

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11. If the Council decides to revert to annual sessions, it would have to amend rule 1 ("Regular sessions") of its rules of procedure. The present wording of rule 1 is "The Governing Council shall normally hold one regular session every two years." The proposed amended version would read: "The Governing Council shall normally hold one regular session each year."

Notes

1/ Governing Council decision 14/4.

2/ General Assembly resolution 42/185.

3/ General Assembly resolution 47/190, para. 2, of 22 December 1992.

4/ Paragraph 38.21.

5/ General Assembly resolution 2997 (XXVII), section I, paras. 2 (a) and (b).